

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF ILLINOIS

TERRANCE LOVETT,

Plaintiff,

v.

CRAIG A. FOSTER and
DR. EMMANUEL AFUWAPE,

Defendants.

Case No. 18-cv-127-NJR-GCS

MEMORANDUM AND ORDER

ROSENSTENGEL, Chief Judge:

This matter is before the Court on the Report and Recommendation of United States Magistrate Judge Gilbert Sison (Doc. 63) regarding the motion for summary judgment filed by Dr. Emmanuel Afuwape (Docs. 36 and 37) and the motion for summary judgment filed by Defendant Craig A. Foster (Docs. 38 and 39). The Report and Recommendation was entered on May 24, 2019; it recommends granting both motions (Doc. 63). No objections were filed.

Where neither timely nor specific objections to the Report and Recommendation are made, the Court should review the Report and Recommendation for clear error. *Johnson v. Zema Systems Corp.*, 170 F.3d 734, 739 (7th Cir. 1999). The Court may then “accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate judge.” 28 U.S.C. § 636(b)(1).

The undersigned has reviewed Judge Sison’s Report and Recommendation and finds there is no clear error in his findings of fact or conclusions of law regarding

exhaustion. Accordingly, the Report and Recommendation (Doc. 63) is **ADOPTED** in its entirety. The Court **GRANTS** the motion for summary judgment filed by Dr. Emmanuel Afuwape (Docs. 36 and 37) and the motion for summary judgment filed by Defendant Craig A. Foster (Docs. 38 and 39). This action is **DISMISSED without prejudice** for failure to exhaust administrative remedies.

IT IS SO ORDERED.

DATED: August 6, 2019

A handwritten signature in black ink, reading "Nancy J. Rosenstengel". The signature is written in a cursive style. A faint circular seal of the U.S. District Court for the District of Columbia is visible in the background behind the signature.

NANCY J. ROSENSTENGEL
Chief U.S. District Judge